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HITT GAINES, PC AGERE SYSTEMS INC. PO BOX 832570 RICHARDSON, TX 75083			HOLLIDAY, JAIME MICHELE	
			ART UNIT	PAPER NUMBER
			2686	

DATE MAILED: 03/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/695,603

Applicant(s)

CHAMBERS ET AL.

Examiner

Jaime M. Holliday

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed January 6, 2005 with respect to **claims 1-21** on page 2 section "*Rejection of Claims 1-21 under Double Patenting*" have been fully considered but they are not persuasive.

In the present application, Applicant basically argues that the double patenting rejection is improper, because there is not a common relationship between inventorship and/or ownership of the present application.

The Examiner respectfully disagrees. Applicant's argument is not valid in view of the new Double Patenting rejection (See below). Furthermore, Applications #10/695,603 and #10/669848 have common assignee (Agere Systems, Inc.).

2. Applicant's arguments with respect to **claims 1-21** on pages 2-4 (sections II, III and IV) have been considered but are moot in view of the new ground(s) of rejection.

### ***Double Patenting***

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir.

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1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. **Claims 1-21** are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over **claims 1-21** of copending **Application No. 10/669848**. Although the conflicting claims are not identical, they are not patentably distinct from each other because they claim the same invention while using terminology that is different, but interchangeable.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

4. **Claims 1-21** are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over **claims 1-21** of **U.S. Application # 10/669848** in view of **Ogasawara (U.S. Patent # 6,512,919 B2)**.

Consider **claim 1**, claim 1 of U.S. Application # 10/669848 essentially claims the same invention except that the image recorded is a portion of an article.

Ogasawara clearly shows and discloses an electronic shopping system facilitates purchase transactions via a wireless videophone, reading on the

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claimed "system for using a mobile telephone to retrieve information about an article," (abstract), comprising:

wireless videophone **218** provided with a digital camera **236** used to scan the images of bar codes of purchased items, reading on the claimed "a camera, associated with said mobile telephone, that records an image of at least a portion of said article," (figure 14, column 3 lines 13-14, column 18 lines 15-16); and

remote server **26**, which receives bar code data from the customer's wireless telephone **18**, searches a database and obtains a description and price for the item scanned, then the item description and price is then transmitted to the customer's wireless telephone, reading on the claimed "database, remote from said mobile telephone, that interprets said image to identify said article and supplies information about said article to said mobile telephone based thereon," (column 6 lines 46-51).

Consider **claims 2, 3, 5, 6, 7, and 10 as applied to claim 1 above**, claims 2, 3, 5, 6, 7 and 10 of U.S. Application # 10/669848 essentially claim the same invention.

Consider **claim 4, and as applied to claim 1 above**, claim 4 of U.S. Application # 10/669848 essentially claim the same invention except that coded data is decoded in a server.

Ogasawara clearly shows and discloses a remote server, which receives bar code data from the customer's wireless telephone, searches a database and obtains a description and price for the item scanned, reading on the claimed

"image contains coded data and said coded data is decoded in a server associated with said database," (column 6 lines 46-51).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify claim 4 of U.S. Application # 10/669848 with the teachings of Ogasawara in order to receive information about a product by sending the barcode, reading on the claimed "coded data," to a server.

Consider **claim 8**, and **as applied to claim 1 above**, claim 8 of U.S. Application # 10/669848 essentially claim the same invention except that the price information is transmitted back to the mobile telephone via Multimedia Message Service or email.

Ogasawara clearly shows and discloses that the remote server receives bar code data from the customer's wireless telephone, searches a database, obtains a description and price for the item scanned, and then transmits the price to the customer's wireless telephone, and is preferably displayed upon the display, reading on the claimed "information comprises price information and said information is transmitted to said telephone via a selected one of MMS and email," (column 6 lines 45-51).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify claim 8 of U.S. Application # 10/669848 with the teachings of Ogasawara in order to receive information about a product from a server using Multimedia message service.

Consider **claim 9** and **as applied to claim 8 above**, claim 9 of U.S.

Application # 10/669848 essentially claim the same invention.

Consider **claim 11**, claim 11 of U.S. Application # 10/669848 essentially claims the same invention except that the method comprises recording a image which is a portion of an article.

Ogasawara clearly shows and discloses a method for performing purchase transactions via a wireless videophone, reading on the claimed "method of using a mobile telephone to retrieve information about an article," (abstract), comprising:

scanning, with a wireless videophone provided with a digital camera, images of bar codes of purchased items, reading on the claimed "recording an image of at least a portion of said article with a camera associated with said mobile telephone," (figure 14, column 3 lines 13-14, column 18 lines 15-16); and transmitting, from a remote server, which receives bar code data from the customer's wireless telephone then searches a database and obtains a description and price for the item scanned, the item description and price to the customer's wireless telephone, reading on the claimed "interpreting said image to identify said article, and supplying information about said article to said mobile telephone," (column 6 lines 46-51).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify claim 11 of U.S. Application # 10/669848 with the teachings of Ogasawara in order to record a portion of a

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product, reading on the claimed "article," to receive information about the product.

Consider **claims 12, 13, 15, 16, 17 and 20**, and **as applied to claim 11 above**, claims 12, 13, 15, 16, 17 and 20 of U.S. Application # 10/669848 essentially claim the same invention.

Consider **claim 14**, and **as applied to claim 11 above**, claim 14 of U.S. Application # 10/669848 essentially claim the same invention except that the method comprises decoding coded data in a server.

Ogasawara clearly shows and discloses a remote server, which receives bar code data from the customer's wireless telephone, searches a database and obtains a description and price for the item scanned, reading on the claimed "image contains coded data and said coded data is decoded in a server associated with said database," (column 6 lines 46-51).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify claim 4 of U.S. Application # 10/669848 with the teachings of Ogasawara in order to receive information about a product by sending the barcode, reading on the claimed "coded data," to a server.

Consider **claim 18**, and **as applied to claim 11 above**, claim 18 of U.S. Application # 10/669848 essentially claim the same invention except that the price information is transmitted back to the mobile telephone via Multimedia Message Service or email.



Ogasawara clearly shows and discloses that the remote server receives bar code data from the customer's wireless telephone, searches a database, obtains a description and price for the item scanned, and then transmits the price to the customer's wireless telephone, and is preferably displayed upon the display, reading on the claimed "information comprises price information and said information is transmitted to said telephone via a selected one of MMS and email," (column 6 lines 45-51).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify claim 8 of U.S. Application # 10/669848 with the teachings of Ogasawara in order to receive information about a product from a server using Multimedia message service.

Consider **claim 19** and **as applied to claim 18 above**, claim 19 of U.S. Application # 10/669848 essentially claim the same invention.

Consider **claim 21**, claim 21 of U.S. Application # 10/669848 essentially claims the same invention except that the image recorded is a portion of an article.

Ogasawara clearly shows and discloses a videophone, reading on the claimed "mobile telephone," (column 18 line 15), comprising:

a digital camera, reading on the claimed "camera," (column 18 line 16);

a tailored purchase transaction program that might include character recognition and/or pattern recognition, as well as bar code decode, reading on the claimed "software that receives an image of at least a portion of an article

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from said camera, interprets said image to identify said article and queues data based thereon for transmission to a database remote from said mobile telephone,” (column 18 lines 17-19); and

a display wherein the item description and price transmitted from a remote server to a customer’s wireless telephone is displayed, reading on the claimed “display that receives and displays information about said article from said database,” (column 6 lines 46-52).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify claim 21 of U.S. Application # 10/669848 with the teachings of Ogasawara in order to record a portion of a product, reading on the claimed “article,” to receive information about the product.

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

6. **Claims 1, 2, 4-8, 11, 12, 14-18 and 21** are rejected under 35 U.S.C. 102(a) as being anticipated by **Ogasawara (U.S. Patent # 6,512,919 B2)**.

Consider **claim 1**, Ogasawara clearly shows and discloses an electronic shopping system facilitates purchase transactions via a wireless videophone, reading on the claimed "system for using a mobile telephone to retrieve information about an article," (abstract), comprising:

wireless videophone **218** provided with a digital camera **236** used to scan the images of bar codes of purchased items, reading on the claimed "a camera, associated with said mobile telephone, that records an image of at least a portion of said article," (figure 14, column 3 lines 13-14, column 18 lines 15-16); and

remote server **26**, which receives bar code data from the customer's wireless telephone **18**, searches a database and obtains a description and price for the item scanned, then the item description and price is then transmitted to the customer's wireless telephone, reading on the claimed "database, remote from said mobile telephone, that interprets said image to identify said article and supplies information about said article to said mobile telephone based thereon," (column 6 lines 46-51).

Consider **claim 2**, and **as applied to claim 1 above**, Ogasawara further discloses a commercial telephone network **14** that facilitates connection of a store server **10** to a wireless telephone via a cellular telephone network **17**, to which the conventional telephone network is in communication, typically via a wire connection **16**. Alternatively, the remote server, reading on the claimed "database," communicates with the wired telephone network, via a wire connection **28**. The wire connection may alternatively comprise fiber optic, radio,

or other communication means, reading on the claimed "coded data is received from said mobile telephone via a direct radio link," (column 5 lines 10-14, 21-25).

Consider **claim 4**, and **as applied to claim 1 above**, Ogasawara clearly shows and discloses a remote server, which receives bar code data from the customer's wireless telephone, searches a database and obtains a description and price for the item scanned, reading on the claimed "image contains coded data and said coded data is decoded in a server associated with said database," (column 6 lines 46-51).

Consider **claim 5**, and **as applied to claim 1 above**, Ogasawara further discloses a calling a server with a wireless telephone so as to initiate communication between the wireless telephone and the server, and once connection between the wireless telephone and the server is established, a purchase transaction program is downloaded from the server into the wireless telephone, reading on the claimed "mobile telephone contains software that defines a structure corresponding to said database," (column 12 lines 13-15, 24-26).

Consider **claim 6**, and **as applied to claim 1 above**, Ogasawara further discloses that the wireless videophone is perfectly capable of capturing digital videographic information, such as a bar code pattern or a graphics image pattern, reading on the claimed "coded data is contained in a barcode," (column 18 lines 27-30).

Consider **claim 7**, and **as applied to claim 1 above**, Ogasawara further discloses that item description and price is transmitted, from the server, to the customer's wireless telephone and is preferably displayed upon the display **42** thereof, reading on the claimed "mobile telephone provides said information to a user visually," (column 6 lines 49-51).

Consider **claim 8**, and **as applied to claim 1 above**, Ogasawara clearly shows and discloses that the remote server receives bar code data from the customer's wireless telephone, searches a database, obtains a description and price for the item scanned, and then transmits the price to the customer's wireless telephone, and is preferably displayed upon the display, reading on the claimed "information comprises price information and said information is transmitted to said telephone via a selected one of MMS and email," (column 6 lines 45-51).

Consider **claim 11**, Ogasawara clearly shows and discloses a method for performing purchase transactions via a wireless videophone, reading on the claimed "method of using a mobile telephone to retrieve information about an article," (abstract), comprising:

scanning, with a wireless videophone provided with a digital camera, images of bar codes of purchased items, reading on the claimed "recording an image of at least a portion of said article with a camera associated with said mobile telephone," (figure 14, column 3 lines 13-14, column 18 lines 15-16); and

transmitting, from a remote server, which receives bar code data from the customer's wireless telephone then searches a database and obtains a description and price for the item scanned, the item description and price to the customer's wireless telephone, reading on the claimed "interpreting said image to identify said article, and supplying information about said article to said mobile telephone," (column 6 lines 46-51).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify claim 11 of U.S. Application # 10/669848 with the teachings of Ogasawara in order to record a portion of a product, reading on the claimed "article," to receive information about the product.

Consider **claim 12**, and **as applied to claim 11 above**, Ogasawara further discloses a commercial telephone network that facilitates connection of a store server to a wireless telephone via a cellular telephone network, to which the conventional telephone network is in communication, typically via a wire connection. Alternatively, the remote server, reading on the claimed "database," communicates with the wired telephone network, via a wire connection. The wire connection may alternatively comprise fiber optic, radio, or other communication means, reading on the claimed "coded data is received from said mobile telephone via a direct radio link," (column 5 lines 10-14, 21-25).

Consider **claim 14**, and **as applied to claim 11 above**, Ogasawara clearly shows and discloses a remote server, which receives bar code data from

the customer's wireless telephone, searches a database and obtains a description and price for the item scanned, reading on the claimed "image contains coded data and said coded data is decoded in a server associated with said database," (column 6 lines 46-51).

Consider **claim 15**, and **as applied to claim 11 above**, Ogasawara further discloses a calling a server with a wireless telephone so as to initiate communication between the wireless telephone and the server, and once connection between the wireless telephone and the server is established, a purchase transaction program is downloaded from the server into the wireless telephone, reading on the claimed "mobile telephone contains software that defines a structure corresponding to said database," (column 12 lines 13-15, 24-26).

Consider **claim 16**, and **as applied to claim 11 above**, Ogasawara further discloses that the wireless videophone is perfectly capable of capturing digital videographic information, such as a bar code pattern or a graphics image pattern, reading on the claimed "coded data is contained in a barcode," (column 18 lines 27-30).

Consider **claim 17**, and **as applied to claim 11 above**, Ogasawara further discloses that item description and price is transmitted, from the server, to the customer's wireless telephone and is preferably displayed upon the display thereof, reading on the claimed "providing, with said mobile telephone, said information to a user visually," (column 6 lines 49-51).

Consider **claim 18**, and **as applied to claim 11 above**, Ogasawara clearly shows and discloses that the remote server receives bar code data from the customer's wireless telephone, searches a database, obtains a description and price for the item scanned, and then transmits the price to the customer's wireless telephone, and is preferably displayed upon the display, reading on the claimed "information comprises price information and said information is transmitted to said telephone via a selected one of MMS and email," (column 6 lines 45-51).

Consider **claim 21**, Ogasawara clearly shows and discloses a videophone, reading on the claimed "mobile telephone," (column 18 line 15), comprising:

- a digital camera, reading on the claimed "camera," (column 18 line 16);
- a tailored purchase transaction program that might include character recognition and/or pattern recognition, as well as bar code decode, reading on the claimed "software that receives an image of at least a portion of an article from said camera, interprets said image to identify said article and queues data based thereon for transmission to a database remote from said mobile telephone," (column 18 lines 17-19); and
- a display wherein the item description and price transmitted from a remote server to a customer's wireless telephone is displayed, reading on the claimed "display that receives and displays information about said article from said database," (column 6 lines 46-52).



***Claim Rejections - 35 USC § 103***

7. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

8. **Claims 3 and 13** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Ogasawara (U.S. Patent # 6,512,919 B2)** in view of **Lev et al. (Pub # US 2002/0102966 A1)**.

Consider **claim 3**, and as **applied to claim 2 above**, Ogasawara clearly shows and discloses the claimed invention except that the wireless network has to conform to a particular standard.

In the same field of endeavor, Lev et al. clearly show and disclose an object identification method for wireless portable devices **207** for a user equipped with a portable wireless imaging device to obtain information related to the imaged objects **202**, reading on the claimed "system for using a mobile telephone to retrieve information about an article," (abstract, figure 1 and figure 2). Once the image is acquired, it is transmitted through any wireless/wire line combination of data transmission paths to a remote server **205**, reading on the claimed "database." The remote server could be far apart or a few meters away from the imaging device and connected to it by a WLAN such as Bluetooth, reading on the

claimed "direct radio link conforms to a standard selected from the group consisting of: Bluetooth, WLAN and HomeRF/SWAP," (paragraph 0061).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to use a standard wireless connection such as Bluetooth or WLAN as taught by Lev et al. in the system of Ogasawara, in order to provide optimal communication between the wireless videophone and remote server.

Consider **claim 13**, and as **applied to claim 12 above**, Ogasawara clearly shows and discloses the claimed invention except that the wireless network has to conform to a particular standard.

In the same field of endeavor, Lev et al. clearly show and disclose an object identification method for wireless portable devices for a user equipped with a portable wireless imaging device to obtain information related to the imaged objects, reading on the claimed "system for using a mobile telephone to retrieve information about an article," (abstract, figure 1 and figure 2). Once the image is acquired, it is transmitted through any wireless/wire line combination of data transmission paths to a remote server, reading on the claimed "database." The remote server could be far apart or a few meters away from the imaging device and connected to it by a WLAN such as Bluetooth, reading on the claimed "direct radio link conforms to a standard selected from the group consisting of: Bluetooth, WLAN, and HomeRF/SWAP," (paragraph 0061).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to use a standard wireless connection such as Bluetooth or WLAN as taught by Lev et al. in the method of Ogasawara, in order to provide optimal communication between the wireless videophone and remote server.

9. **Claims 9 and 19** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Ogasawara (U.S. Patent # 6,512,919 B2)** in view of **Rehbein et al. (Pub # US 2005/0017453 A1)**.

Consider **claim 9**, and as **applied to claim 8 above**, Ogasawara clearly shows and discloses the claimed invention except the price is transmitted in at least two currencies.

In the same field of endeavor, Rehbein et al. discloses an electronic device, preferably a handheld digital device that has a computer portion and a screen, that is capable of displaying a computer application that allows two parties to perform a transaction without the use of spoken word. The handheld device can be a cellular phone **168**, reading on the claimed "mobile telephone," (abstract, paragraph 0003 and paragraph 0011). The electronic device may be adapted to allow a second party to enter a monetary amount **202**, reading on the claimed "price information," into the device corresponding to a second party currency. The device can be further configured to allow the first party to convert the entered second monetary amount **203** into an amount corresponding to a first

party currency, reading on the claimed "database contains said price information in at least two different currencies," (paragraph 0023, figure 21).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide at least two different currencies to be displayed on an electronic device (Rehbein et al.; figure 21), as taught by Rehbein et al. as another use for the system of Ogasawara of the item description and price retrieved from the remote server.

Consider **claim 19**, and as **applied to claim 18 above**, Ogasawara clearly shows and discloses the claimed invention except the price is transmitted in at least two currencies.

In the same field of endeavor, Rehbein et al. discloses an electronic device, preferably a handheld digital device that has a computer portion and a screen, that is capable of displaying a computer application that allows two parties to perform a transaction without the use of spoken word. The handheld device can be a cellular phone, reading on the claimed "mobile telephone," (abstract, paragraph 0003 and paragraph 0011). The electronic device (mobile telephone) may be adapted to allow a second party to enter a monetary amount, reading on the claimed "price information," into the device corresponding to a second party currency. The device can be further configured to allow the first party to convert the entered second monetary amount into an amount corresponding to a first party currency, reading on the claimed "database

contains said price information in at least two different currencies," (paragraph 0023, figure 21).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide at least two different currencies to be displayed on an electronic device (Rehbein et al.; figure 21), as taught by Rehbein et al. as another use for the method of Ogasawara of the item description and price retrieved from the remote server.

10. **Claims 10 and 20** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Ogasawara (U.S. Patent # 6,512,919 B2)** in view of **Swartz et al. (Pub # US 2005/0040230)**, and in further view of **Lev et al. (Pub # US 2002/0102966 A1)**.

Consider **claim 10**, and as **applied to claim 1 above**, Ogasawara clearly shows and discloses the claimed invention except that information from bar code data from different purchases can be stored in the memory of the wireless videophone.

In the same field of endeavor, Swartz presents an invention that relates to a consumer interactive shopping and a marketing system. This system includes a portable data terminal with a video display **72** used to present data by retrieving associated data files stored at remote addresses by employing a wireless communication network, reading on the claimed "system for using a mobile telephone to retrieve information about an article," (abstract and paragraph 0005). In an embodiment of the invention, customers can access lists of

previously purchased items, reading on the claimed "information from a plurality of articles," on the portable terminals. The portable terminal may be able to access a list of previously items form its memory, reading on the claimed "memory in said mobile telephone stores data pertaining to a plurality of articles," (paragraph 0211).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention to store information from multiple purchase transactions in a portable data terminal as taught by Swartz et al. in the system of Ogasawara in order to provide better service to the consumer.

The combination of Ogasawara and Swartz et al. as discussed above shows the limitations claimed, except they do not specifically disclose that the images are in video sequence.

In the same field of endeavor, Lev et al. clearly show and disclose in their object identification method for wireless portable devices that the imaging device is a device capable of capturing single or multiple images or video streams and converting them to digital information, reading on the claimed "image is a video sequence," (paragraph 0097).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to not only use a single image, but also a video stream of the image as taught by Lev et al. in the system of Ogasawara, as modified by Swartz et al., in order to successfully capture the barcode to transmit to a remote server.

Consider **claim 20**, and as **applied to claim 11 above**, Ogasawara clearly shows and discloses the claimed invention except that information from bar code data from different purchases can be stored in the memory of the wireless videophone.

In the same field of endeavor, Swartz presents an invention that relates to a consumer interactive shopping and a marketing system. This system includes a portable data terminal with a video display used to present data by retrieving associated data files stored at remote addresses by employing a wireless communication network, reading on the claimed "method of using a mobile telephone to retrieve information about an article," (abstract and paragraph 0005). In an embodiment of the invention, customers can access lists of previously purchased items, reading on the claimed "information from a plurality of articles," on the portable terminals. The portable terminal may be able to access a list of previously items form its memory, reading on the claimed "storing, in a memory in said mobile telephone, data pertaining to a plurality of articles," (paragraph 0211).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention to store information from multiple purchase transactions in a portable data terminal as taught by Swartz et al. in the system of Ogasawara in order to provide better service to the consumer.

The combination of Ogasawara and Swartz et al. as discussed above shows the limitations claimed, except they do not specifically disclose that the images are in video sequence.

In the same field of endeavor, Lev et al. clearly show and disclose in their object identification method for wireless portable devices that the imaging device is a device capable of capturing single or multiple images or video streams and converting them to digital information, reading on the claimed "image is a video sequence," (paragraph 0097).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to not only use a single image, but also a video stream of the image as taught by Lev et al. in the method of Ogasawara, as modified by Swartz et al., in order to successfully capture the barcode to transmit to a remote server.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jaime M. Holliday whose telephone number is (571) 272-8618. The examiner can normally be reached on Monday through Friday 7:30am to 4:00pm.



If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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